

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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IN RE BAIR HUGGER FORCED AIR WARMING  
PRODUCTS LIABILITY LITIGATION

MDL No.: 15-md-02666

This Document Relates to:

**Carol Hayes,**

Civil Action No.: 18-cv-00617

**Plaintiffs,**

**v.**

**3M Company and Arizant Healthcare, Inc.,**

**Defendants.**

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**DECLARATION OF KRISTINE KRAFT IN SUPPORT OF PLAINTIFF'S RESPONSE  
IN OPPOSITION TO DEFENDANTS' THIRTEENTH MOTION TO DISMISS  
FOR FAILURE TO COMPLY WITH PRETRIAL ORDER NO. 14**

I, Kristine Kraft, declare as follows:

1. I am a partner at Schlichter, Bogard & Denton, L.L.P. and counsel for Plaintiff Carol Hayes in the above-captioned matter.
2. I submit this affidavit in opposition to Defendant's Thirteenth Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 (Doc. 1387) filed on August 2, 2018.
3. In November 2016, Plaintiff contacted undersigned counsel's co-counsel, Goza Honnold, L.L.C., regarding an infection and subsequent treatment that she experienced due to the use of a Bair Hugger patient warming device during her total hip arthroplasty.
4. Counsel worked to obtain medical and billing records to move forward with case. Those records indicate that a Bair Hugger device was used during the original hip replacement surgery.

5. On March 2, 2018, Plaintiff Carol Hayes' filed a claim against 3M Company and Arizant Healthcare, Inc. in the Bair Hugger Forced Air Warming Products Liability Litigation.
6. In May 2018, Plaintiff suffered a serious stroke and was temporarily relocated to assisted living for rehabilitation.
7. Pursuant to Pretrial Order No. 14, the deadline for Plaintiff to serve her Plaintiff Fact Sheet was May 31, 2018. (Doc. 117).
8. Undersigned counsel has made efforts to coordinate the completion of the Plaintiff Fact Sheet by and through family members during this difficult time.
9. On August 2, 2018, Defendants moved for dismissal of Plaintiff's case for failing to provide a completed Plaintiff Fact Sheet, Verification and authorization.
10. On August 7, 2018, undersigned counsel emailed Defendants to request additional time to produce a completed Plaintiff Fact Sheet.
11. On August 8, 2018, Benjamin Hulse on behalf of Defendants provided written agreement to both extend the deadline to complete the Plaintiff Fact Sheet to August 30, 2018 and remove Plaintiff Carol Hayes' case from the motion subject to this Response.
12. On August 8, 2018, undersigned counsel received the remaining information to complete the Plaintiff Fact Sheet from Plaintiff via her family member.
13. On August 8, 2018, Plaintiff Carol Hayes by and through undersigned counsel served a complete Plaintiff Fact Sheet, Verification and authorization pursuant to Pretrial Order No. 14.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct. Executed on August 9, 2018.

**SCHLICHTER, BOGARD & DENTON, LLP**

/s/ Kristine Kraft

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